

Introduced by Committee on Business, Professions and Economic Development (Senators Ridley-Thomas (Chair), Aanestad, Corbett, Denham, Florez, Harman, Simitian, and Yee)

March 22, 2007

An act to amend Sections 337, 2225, 2416, 2497.5, 2717, and 2732.05 of, to add Section 2471 to, and to repeal and add Section 3530 of, the Business and Professions Code, and to amend Sections 11372, 12529, and 12529.5 of the Government Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1048, as introduced, Committee on Business, Professions and Economic Development. Healing arts.

(1) Existing law provides for the licensing and regulation of podiatrists by the California Board of Podiatric Medicine, within the jurisdiction of the Medical Board of California. Existing law creates the Health Quality Enforcement Section within the Department of Justice with the primary responsibility of prosecuting proceedings against licensees and applicants within the jurisdiction of the medical board and various other boards. Existing law requires that all complaints or relevant information concerning licensees that are within the jurisdiction of the Medical Board of California or the Board of Psychology be made available to the Health Quality Enforcement Section.

This bill would authorize the board to employ, within the limits of the funds received by the board and subject to specified limitations, all personnel necessary to carry out the licensing and regulatory provisions applicable to podiatrists. The bill also would clarify that the provisions concerning the responsibilities of the Health Quality Enforcement Section within the Department of Justice apply to complaints and proceedings concerning licensees of the board.

(2) Existing law, the Nursing Practice Act, provides for the registration and regulation of nurses by the Board of Registered Nursing in the Department of Consumer Affairs. Existing law requires an employer of, or agent for, a registered nurse to ascertain that the nurse is authorized to practice as a registered professional nurse. A violation of the Nursing Practice Act is a crime.

This bill would require an employer of, or agent for, a registered nurse required to hold a board-issued certification, as specified, or a temporary licensee or interim permittee to practice nursing to ascertain that the person is currently authorized to practice pursuant to the board-issued certification or as a temporary licensee or interim permittee. Because this bill would impose new requirements under the Nursing Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, provides for the licensing and regulation of physician assistants by the Physician Assistant Committee of the Medical Board of California. Existing law provides for the submission of applications for reinstatement, restoration, or modification of probation with respect to the revocation of a license or approval of a physician assistant after a specified period of time.

This bill would delete those provisions and would instead authorize a person whose license or approval has been revoked or suspended or who has been placed on probation to petition the committee to reinstate the license or approval or modify the penalty after specified minimum periods of time, would require the petitioner to submit certain information, and would provide for a hearing by the committee, as specified.

(4) This bill would make other nonsubstantive changes.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 337 of the Business and Professions Code
2 is amended to read:

1 337. (a) The department shall prepare and disseminate an
2 informational brochure for victims of psychotherapist-patient
3 sexual contact and advocates for those victims. This brochure shall
4 be developed by the department in consultation with members of
5 the Sexual Assault Program of the Office of Criminal Justice
6 Planning and the office of the Attorney General.

7 (b) The brochure shall include, but is not limited to, the
8 following:

9 (1) A legal and an informal definition of psychotherapist-patient
10 sexual contact.

11 (2) A brief description of common personal reactions and
12 histories of victims and victim's families.

13 (3) A patient's bill of rights.

14 (4) Options for reporting psychotherapist-patient sexual relations
15 and instructions for each reporting option.

16 (5) A full description of administrative, civil, and professional
17 associations complaint procedures.

18 (6) A description of services available for support of victims.

19 (c) The brochure shall be provided to each individual contacting
20 the Medical Board of California and ~~their allied~~ *affiliated* health
21 boards or the Board of Behavioral ~~Science Examiners~~ *Sciences*
22 regarding a complaint involving ~~psychotherapist-pa-tient~~
23 *psychotherapist-patient* sexual relations.

24 SEC. 2. Section 2225 of the Business and Professions Code is
25 amended to read:

26 2225. (a) Notwithstanding Section 2263 and any other
27 provision of law making a communication between a physician
28 and surgeon or a ~~podiatrist~~ *doctor of podiatric medicine* and his
29 or her patients a privileged communication, those provisions shall
30 not apply to investigations or proceedings conducted under this
31 chapter. Members of the board, the Senior Assistant Attorney
32 General of the Health Quality Enforcement Section, members of
33 the California Board of Podiatric Medicine, and deputies,
34 employees, agents, and representatives of the board or the
35 *California* Board of Podiatric Medicine and the Senior Assistant
36 Attorney General of the Health Quality Enforcement Section shall
37 keep in confidence during the course of investigations, the names
38 of any patients whose records are reviewed and may not disclose
39 or reveal those names, except as is necessary during the course of
40 an investigation, unless and until proceedings are instituted. The

1 authority of the board or the *California* Board of Podiatric
2 Medicine and the Health Quality Enforcement Section to examine
3 records of patients in the office of a physician and surgeon or a
4 ~~podiatrist~~ *doctor of podiatric medicine* is limited to records of
5 patients who have complained to the board or the *California* Board
6 of Podiatric Medicine about that licensee.

7 (b) Notwithstanding any other provision of law, the Attorney
8 General and his or her investigative agents, and investigators and
9 representatives of the board or the *California* Board of Podiatric
10 Medicine, may inquire into any alleged violation of the Medical
11 Practice Act or any other federal or state law, regulation, or rule
12 relevant to the practice of medicine or podiatric medicine,
13 whichever is applicable, and may inspect documents relevant to
14 those investigations in accordance with the following procedures:

15 (1) Any document relevant to an investigation may be inspected,
16 and copies may be obtained, where patient consent is given.

17 (2) Any document relevant to the business operations of a
18 licensee, and not involving medical records attributable to
19 identifiable patients, may be inspected and copied where relevant
20 to an investigation of a licensee.

21 (c) In all cases where documents are inspected or copies of those
22 documents are received, their acquisition or review shall be
23 arranged so as not to unnecessarily disrupt the medical and business
24 operations of the licensee or of the facility where the records are
25 kept or used.

26 (d) Where documents are lawfully requested from licensees in
27 accordance with this section by the Attorney General or his or her
28 agents or deputies, or investigators of the board or the *California*
29 Board of Podiatric Medicine, they shall be provided within 15
30 business days of receipt of the request, unless the licensee is unable
31 to provide the documents within this time period for good cause,
32 including, but not limited to, physical inability to access the records
33 in the time allowed due to illness or travel. Failure to produce
34 requested documents or copies thereof, after being informed of
35 the required deadline, shall constitute unprofessional conduct. The
36 board may use its authority to cite and fine a physician and surgeon
37 for any violation of this section. This remedy is in addition to any
38 other authority of the board to sanction a licensee for a delay in
39 producing requested records.

1 (e) Searches conducted of the office or medical facility of any
2 licensee shall not interfere with the recordkeeping format or
3 preservation needs of any licensee necessary for the lawful care
4 of patients.

5 SEC. 3. Section 2416 of the Business and Professions Code is
6 amended to read:

7 2416. Physicians and surgeons and ~~podiatrists~~ *doctors of*
8 *podiatric medicine* may conduct their professional practices in a
9 partnership or group of ~~physicians~~ *physician* and surgeons or a
10 partnership or group of ~~podiatrists~~ *doctors of podiatric medicine*,
11 respectively. ~~Physicians~~ *Physician* and surgeons and ~~podiatrists~~
12 *doctors of podiatric medicine* may establish a professional
13 partnership that includes both ~~physicians~~ *physician* and surgeons
14 and ~~podiatrists~~ *doctors of podiatric medicine*, if both of the
15 following conditions are satisfied:

16 (a) A majority of the partners and partnership interests in the
17 professional partnership are ~~physicians~~ *physician* and surgeons or
18 osteopathic ~~physicians~~ *physician* and surgeons.

19 (b) Notwithstanding Chapter 2 (commencing with Section
20 15001) of Title 1 of the Corporations Code, a partner who is not
21 a physician and surgeon shall not practice in the partnership or
22 vote on partnership matters related to the practice of medicine that
23 are outside his or her scope of practice. All partners may vote on
24 general administrative, management, and business matters.

25 SEC. 4. Section 2471 is added to the Business and Professions
26 Code, to read:

27 2471. Except as provided by Section 159.5, the board may
28 employ, within the limits of the funds received by the board, all
29 personnel necessary to carry out this chapter.

30 SEC. 5. Section 2497.5 of the Business and Professions Code
31 is amended to read:

32 2497.5. (a) The board may request the administrative law
33 judge, under his or her proposed decision in resolution of a
34 disciplinary proceeding before the board, to direct any licensee
35 found guilty of unprofessional conduct to pay to the board a sum
36 not to exceed the actual and reasonable costs of the investigation
37 and prosecution of the case.

38 (b) The costs to be assessed shall be fixed by the administrative
39 law judge and shall not in any event be increased by the board.
40 When the board does not adopt a proposed decision and remands

1 the case to an administrative law judge, the administrative law
2 judge shall not increase the amount of any costs assessed in the
3 proposed decision.

4 (c) When the payment directed in the board's order for payment
5 of costs is not made by the licensee, the board may enforce the
6 order for payment by bringing an action in any appropriate court.
7 This right of enforcement shall be in addition to any other rights
8 the board may have as to any licensee directed to pay costs.

9 (d) In any judicial action for the recovery of costs, proof of the
10 board's decision shall be conclusive proof of the validity of the
11 order of payment and the terms for payment.

12 (e) (1) Except as provided in paragraph (2), the board shall not
13 renew or reinstate the license of any licensee who has failed to pay
14 all of the costs ordered under this section.

15 (2) Notwithstanding paragraph (1), the board may, in its
16 discretion, conditionally renew or reinstate for a maximum of one
17 year the license of any licensee who demonstrates financial
18 hardship and who enters into a formal agreement with the board
19 to reimburse the board within that one year period for those unpaid
20 costs.

21 (f) All costs recovered under this section shall be deposited in
22 the ~~Podiatry~~ *Board of Podiatric Medicine* Fund as a reimbursement
23 in either the fiscal year in which the costs are actually recovered
24 or the previous fiscal year, as the board may direct.

25 SEC. 6. Section 2717 of the Business and Professions Code is
26 amended to read:

27 2717. (a) The board shall collect and analyze workforce data
28 from its licensees for future workforce planning. The board may
29 collect the data at the time of license renewal or from a
30 scientifically selected random sample of its licensees. The board
31 shall produce reports on the workforce data it collects, at a
32 minimum, on a biennial basis. The board shall maintain the
33 ~~confidentially~~ *confidentiality* of the information it receives from
34 licensees under this section and shall only release information in
35 an aggregate form that cannot be used to identify an individual.
36 The workforce data collected by the board shall include, at a
37 minimum, employment information such as hours of work, number
38 of positions held, time spent in direct patient care, clinical practice
39 area, type of employer, and work location. The data shall also

1 include future work intentions, reasons for leaving or reentering
2 nursing, job satisfaction ratings, and demographic data.

3 (b) Aggregate information collected pursuant to this section
4 shall be placed on the board's Internet Web site.

5 (c) The board is authorized to expend the sum of one hundred
6 forty-five thousand dollars (\$145,000) from the Board of
7 Registered Nursing Fund in the Professions and Vocations Fund
8 for the purpose of implementing this section.

9 (d) This section shall be implemented by the board on or before
10 July 1, 2003.

11 SEC. 7. Section 2732.05 of the Business and Professions Code
12 is amended to read:

13 2732.05. (a) Every employer of a registered nurse, *every*
14 *employer of a registered nurse required to hold any board-issued*
15 *certification*, and every person acting as an agent for such a nurse
16 in obtaining employment, shall ascertain that ~~such~~ *the* nurse is
17 currently authorized to practice as a registered ~~professional~~ nurse
18 *or as a registered nurse pursuant to a board-issued certification*
19 *within the provisions of this chapter. As used in this section,*
20 *"board-issued certification" includes, but is not limited to,*
21 *certification as a nurse practitioner, nurse practitioner with a*
22 *furnishing number, nurse anesthetist, nurse midwife, nurse midwife*
23 *with a furnishing number, public health nurse, clinical nurse*
24 *specialist, or board listed psychiatric mental health nurse.*

25 (b) *Every employer of a temporary licensee or interim permittee*
26 *and every person acting as an agent for a temporary licensee or*
27 *interim permittee in obtaining employment shall ascertain that the*
28 *person is currently authorized to practice as a temporary licensee*
29 *or interim permittee.*

30 (c) As used in this section, the term "agent" includes, but is not
31 limited to, a nurses registry *and a traveling nurse agency.*

32 Examination by an employer or agent of evidence satisfactory
33 to the board showing the nurse's, *licensee's, or permittee's* current
34 authority to practice under this chapter, prior to employment, shall
35 constitute a determination of authority to so practice.

36 Nothing in this section shall apply to a patient, or other person
37 acting for a specific patient, who engages the services of a
38 registered nurse, *temporary licensee, or interim permittee* to
39 provide nursing care to a single patient.

1 SEC. 8. Section 3530 of the Business and Professions Code is
2 repealed.

3 ~~3530. One year from the date of a revocation of a license or~~
4 ~~approval under this chapter, application may be made to the~~
5 ~~committee or the board in the case of approval of an application~~
6 ~~to supervise physician assistants for reinstatement, restoration or~~
7 ~~modification of probation. The committee may accept or reject an~~
8 ~~application for reinstatement, restoration, or modification of~~
9 ~~probation and may require an examination for that reinstatement,~~
10 ~~restoration, or modification of probation when it is deemed~~
11 ~~appropriate for a license or approval under this chapter.~~

12 SEC. 9. Section 3530 is added to the Business and Professions
13 Code, to read:

14 3530. (a) A person whose license or approval has been revoked
15 or suspended, or who has been placed on probation, may petition
16 the committee for reinstatement or modification of penalty,
17 including modification or termination of probation, after a period
18 of not less than the following minimum periods has elapsed from
19 the effective date of the decision ordering that disciplinary action:

20 (1) At least three years for reinstatement of a license or approval
21 revoked for unprofessional conduct, except that the committee
22 may, for good cause shown, specify in a revocation order that a
23 petition for reinstatement may be filed after two years.

24 (2) At least two years for early termination of probation of three
25 years or more.

26 (3) At least one year for modification of a condition, or
27 reinstatement of a license or approval revoked for mental or
28 physical illness, or termination of probation of less than three years.

29 (b) The petition shall state any facts as may be required by the
30 board. The petition shall be accompanied by at least two verified
31 recommendations from physicians licensed either by the Medical
32 Board of California or the Osteopathic Medical Board who have
33 personal knowledge of the activities of the petitioner since the
34 disciplinary penalty was imposed.

35 (c) The petition may be heard by the committee. The committee
36 may assign the petition to an administrative law judge designated
37 in Section 11371 of the Government Code. After a hearing on the
38 petition, the administrative law judge shall provide a proposed
39 decision to the committee that shall be acted upon in accordance
40 with the Administrative Procedure Act.

1 (d) The committee or the administrative law judge hearing the
2 petition, may consider all activities of the petitioner since the
3 disciplinary action was taken, the offense for which the petitioner
4 was disciplined, the petitioner's activities during the time the
5 license was in good standing, and the petitioner's rehabilitative
6 efforts, general reputation for truth, and professional ability. The
7 hearing may be continued, as the committee or administrative law
8 judge finds necessary.

9 (e) The committee or administrative law judge, when hearing
10 a petition for reinstating a license or approval or modifying a
11 penalty, may recommend the imposition of any terms and
12 conditions deemed necessary.

13 (f) No petition shall be considered while the petitioner is under
14 sentence for any criminal offense, including any period during
15 which the petitioner is on court-imposed probation or parole. No
16 petition shall be considered while there is an accusation or petition
17 to revoke probation pending against the person. The committee
18 may deny, without a hearing or argument, any petition filed
19 pursuant to this section within a period of two years from the
20 effective date of the prior decision following a hearing under this
21 section.

22 (g) Nothing in this section shall be deemed to alter Sections 822
23 and 823.

24 SEC. 10. Section 11372 of the Government Code is amended
25 to read:

26 11372. (a) Except as provided in subdivision (b), all
27 adjudicative hearings and proceedings relating to the discipline or
28 reinstatement of licensees of the Medical Board of California,
29 including licensees of ~~allied~~ *affiliated* health agencies within the
30 jurisdiction of the Medical Board of California, that are heard
31 pursuant to the Administrative Procedure Act, shall be conducted
32 by an administrative law judge as designated in Section 11371,
33 sitting alone if the case is so assigned by the agency filing the
34 charging pleading.

35 (b) Proceedings relating to interim orders shall be heard in
36 accordance with Section 11529.

37 SEC. 11. Section 12529 of the Government Code, as amended
38 by Section 24 of Chapter 674 of the Statutes of 2005, is amended
39 to read:

1 12529. (a) There is in the Department of Justice the Health
2 Quality Enforcement Section. The primary responsibility of the
3 section is to investigate and prosecute proceedings against licensees
4 and applicants within the jurisdiction of the Medical Board of
5 California ~~including all committees, the California Board of~~
6 ~~Podiatric Medicine, the Board of Psychology, or any committee~~
7 ~~under the jurisdiction of the board Medical Board of California~~
8 ~~or a division of the board, including the Board of Podiatric~~
9 ~~Medicine, and the Board of Psychology.~~

10 (b) The Attorney General shall appoint a Senior Assistant
11 Attorney General of the Health Quality Enforcement Section. The
12 Senior Assistant Attorney General of the Health Quality
13 Enforcement Section shall be an attorney in good standing licensed
14 to practice in the State of California, experienced in prosecutorial
15 or administrative disciplinary proceedings and competent in the
16 management and supervision of attorneys performing those
17 functions.

18 (c) The Attorney General shall ensure that the Health Quality
19 Enforcement Section is staffed with a sufficient number of
20 experienced and able employees that are capable of handling the
21 most complex and varied types of disciplinary actions against the
22 licensees of the division or board.

23 (d) Funding for the Health Quality Enforcement Section shall
24 be budgeted in consultation with the Attorney General from the
25 special funds financing the operations of the Medical Board of
26 California, the California Board of Podiatric Medicine, *the Board*
27 *of Psychology*, and the committees under the jurisdiction of the
28 Medical Board of California or a division of the board, ~~and the~~
29 ~~Board of Psychology~~, with the intent that the expenses be
30 proportionally shared as to services rendered.

31 (e) This section shall become inoperative on July 1, 2008, and,
32 as of January 1, 2009, is repealed, unless a later enacted statute,
33 that becomes operative on or before January 1, 2009, deletes or
34 extends the dates on which it becomes inoperative and is repealed.

35 SEC. 12. Section 12529 of the Government Code, as added by
36 Section 25 of Chapter 674 of the Statutes of 2005, is amended to
37 read:

38 12529. (a) There is in the Department of Justice the Health
39 Quality Enforcement Section. The primary responsibility of the
40 section is to prosecute proceedings against licensees and applicants

1 within the jurisdiction of the Medical Board of California ~~including~~
2 ~~all committees, the California Board of Podiatric Medicine, the~~
3 ~~Board of Psychology, or any committee~~ under the jurisdiction of
4 ~~the board Medical Board of California~~ or a division of the board,
5 ~~including the Board of Podiatric Medicine, and the Board of~~
6 ~~Psychology~~, and to provide ongoing review of the investigative
7 activities conducted in support of those prosecutions, as provided
8 in subdivision (b) of Section 12529.5.

9 (b) The Attorney General shall appoint a Senior Assistant
10 Attorney General of the Health Quality Enforcement Section. The
11 Senior Assistant Attorney General of the Health Quality
12 Enforcement Section shall be an attorney in good standing licensed
13 to practice in the State of California, experienced in prosecutorial
14 or administrative disciplinary proceedings and competent in the
15 management and supervision of attorneys performing those
16 functions.

17 (c) The Attorney General shall ensure that the Health Quality
18 Enforcement Section is staffed with a sufficient number of
19 experienced and able employees that are capable of handling the
20 most complex and varied types of disciplinary actions against the
21 licensees of the division or board.

22 (d) Funding for the Health Quality Enforcement Section shall
23 be budgeted in consultation with the Attorney General from the
24 special funds financing the operations of the Medical Board of
25 California, the California Board of Podiatric Medicine, *the Board*
26 *of Psychology*, and the committees under the jurisdiction of the
27 Medical Board of California or a division of the board, ~~and the~~
28 ~~Board of Psychology~~, with the intent that the expenses be
29 proportionally shared as to services rendered.

30 (e) This section shall become operative July 1, 2008.

31 SEC. 13. Section 12529.5 of the Government Code, as amended
32 by Section 26 of Chapter 674 of the Statutes of 2005, is amended
33 to read:

34 12529.5. (a) All complaints or relevant information concerning
35 licensees that are within the jurisdiction of the Medical Board of
36 California, *the California Board of Podiatric Medicine*, or the
37 Board of Psychology shall be made available to the Health Quality
38 Enforcement Section.

39 (b) The Senior Assistant Attorney General of the Health Quality
40 Enforcement Section shall assign attorneys to work on location at

1 the intake unit of the boards described in subdivision (d) of Section
2 12529 to assist in evaluating and screening complaints and to assist
3 in developing uniform standards and procedures for processing
4 complaints.

5 (c) The Senior Assistant Attorney General or his or her deputy
6 attorneys general shall assist the boards, division, or ~~allied health~~
7 ~~committees, including the Board of Podiatric Medicine,~~ in
8 designing and providing initial and in-service training programs
9 for staff of the division, boards, or ~~allied health~~ committees,
10 including, but not limited to, information collection and
11 investigation.

12 (d) The determination to bring a disciplinary proceeding against
13 a licensee of the division or the boards shall be made by the
14 executive officer of the division, ~~the board, or allied health~~
15 ~~committee, including the Board of Podiatric Medicine, or the Board~~
16 ~~of Psychology,~~ boards, or committees as appropriate in consultation
17 with the senior assistant.

18 (e) This section shall become inoperative on July 1, 2008, and,
19 as of January 1, 2009, is repealed, unless a later enacted statute,
20 that becomes operative on or before January 1, 2009, deletes or
21 extends the dates on which it becomes inoperative and is repealed.

22 SEC. 14. Section 12529.5 of the Government Code, as added
23 by Section 27 of Chapter 674 of the Statutes of 2005, is amended
24 to read:

25 12529.5. (a) All complaints or relevant information concerning
26 licensees that are within the jurisdiction of the Medical Board of
27 California, *the California Board of Podiatric Medicine*, or the
28 Board of Psychology shall be made available to the Health Quality
29 Enforcement Section.

30 (b) The Senior Assistant Attorney General of the Health Quality
31 Enforcement Section shall assign attorneys to assist the division
32 and the boards in intake and investigations and to direct
33 discipline-related prosecutions. Attorneys shall be assigned to
34 work closely with each major intake and investigatory unit of the
35 boards, to assist in the evaluation and screening of complaints from
36 receipt through disposition and to assist in developing uniform
37 standards and procedures for the handling of complaints and
38 investigations.

39 A deputy attorney general of the Health Quality Enforcement
40 Section shall frequently be available on location at each of the

1 working offices at the major investigation centers of the boards,
2 to provide consultation and related services and engage in case
3 review with the boards' investigative, medical advisory, and intake
4 staff. The Senior Assistant Attorney General and deputy attorneys
5 general working at his or her direction shall consult as appropriate
6 with the investigators of the boards, medical advisors, and
7 executive staff in the investigation and prosecution of disciplinary
8 cases.

9 (c) The Senior Assistant Attorney General or his or her deputy
10 attorneys general shall assist the boards, division, or ~~allied health~~
11 ~~committees, including the Board of Podiatric Medicine,~~ in
12 designing and providing initial and in-service training programs
13 for staff of the division, boards, or ~~allied health~~ committees,
14 including, but not limited to, information collection and
15 investigation.

16 (d) The determination to bring a disciplinary proceeding against
17 a licensee of the division or the boards shall be made by the
18 executive officer of the division, ~~the board, or allied health~~
19 ~~committee, including the Board of Podiatric Medicine, or the Board~~
20 ~~of Psychology, boards, or committees~~ as appropriate in consultation
21 with the senior assistant.

22 (e) This section shall become operative July 1, 2008.

23 SEC. 15. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.